THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 861 of 2006

DATED: 17-01-2006

Between:

Waheeda Begum

..... PETITIONER

AND

1. The Revenue Divisional Officer, Mahabubnagar and another

.....RESPONDENTS

HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.861 OF 2006

ORDER:

Heard.

The authorisation of the Fair Price Shop dealership of the petitioner in respect of Shop No.9 of Kalwakurthy village was cancelled by proceedings dated 28-12-2005 of the Revenue Divisional Officer, Mahabubnagar.

Admittedly, an appeal lies against the said order to the Joint Collector,

Mahabubnagar under Clause 20 (1) of the A.P.State Public Distribution System Control Order, 2001. Therefore, the contention of the petitioner that he has no effective alternative remedy is incorrect. It is stated that the dealership of the petitioner has been cancelled on the ground that the petitioner is not residing in Kalwakurthy after her marriage and she is residing at Mahabubnagar. For the show cause notice dated 27-08-2005, the petitioner filed an explanation dated 27-09-2005 stating that the petitioner is residing in Kalwakurthy in a rented house and in support of her contention she has also filed necessary documents. But without considering the same the authorisation has been cancelled.

As there is an effective alternative remedy, I am not inclined to express any opinion on the merits of the case.

Having regard to the facts and circumstances of the case, the petitioner is directed to file an appeal before the appellate authority under clause 20 (i) of the A.P.State Public Distribution System Control Order, 2001, within two weeks from today and seek appropriate orders, and till then, the impugned order stands stayed so as to enable the petitioner to file an appeal and obtain appropriate orders. If no appeal is filed within two weeks from today, this order automatically stands vacated.

Accordingly, the writ petition is disposed of. No order as to costs.

17th January, 2006

SKM